G 2152 (1) (3)

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

CIVIL REVISION No. 133 /2006

APPLICANT REVISIONER :- **GULAB BAI SONI** W/o Late Kanhaiya @ Mittal @ Krishna Lal Soni, aged about 29 years, R/o Laxman Talab, Bhojpur Road Bhatapara, Champa, District - Janjgir-Champa [C.G.].

At present residing at Durpa Road, Korba, Tahsil and District - Korba [C.G.].

VERSUS

NON-APPLICANTS:-

1] ~~**ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL**, Korba, District-Korba [C.G.].~~ Amendment incorporated as per court order dt. 14-09-06. G. SUTHAR 14-09-06.

2] **DHANESHWAR PRASAD** S/o Ramnath, aged 21 years R/o Devlapat, Tahsil- Kartala, District -Korba [C.G.].

3] **RAMNATH RATHORE** S/o Mahattar Rathore, aged about 45 years, by caste- Teli, R/o R/o Devlapat, Tahsil-Kartala, District -Korba [C.G.].

4] **ORIENTAL INSURANCE COMPANY LTD.** Through-Branch Manager, Branch Office at T.P. Nagar, Korba [C.G.].

5] **UMESH KUMAR TIWARI** S/o Ganesh Tiwari, aged about 44 years, R/o Pump House, Korba, Tahsil and District-Korba [C.G.].

6] **NATIONAL INSURANCE COMPANY LTD.** Through- Branch Manager, Meen Complex, Main Road, Korba, Tahsil and District- Korba [C.G.].

7] **PUJA SONI** D/o Late Kanhaiya @ Mittal @ Krishna Lal Soni, aged about 11 years.

P.R. No. 2459/06 presented by Shri Gurunader D. Sameer dated 31/8/06

CANCELLED

(2) (4)

8] **ANKIT LAL SONI** S/o late Kanhaiya @ Mittal @ Krishna Lal Soni, aged about 6 years,

Both non-applicant No. 7 & 8 are under guardianship of applicant, Both at present residing at Durpa Road, Korba, Tahsil and District- Korba [C.G.]

9] **HARDEO PRASAD SONI** S/o Late Hira Ram Soni, aged about 69 years.

10] **MANKI BAI** W/o Hardeo Prasad Soni, aged about 64 years.

Both non-applicant No. 9 & 10 are R/o Laxman Talab, Bhojpur Road, Bhatapara, Champa, Tahsil- Champa, District: Janjgir-Champa [C.G.].

CIVIL REVISION U/S 115 OF CODE OF CIVIL PROCEDURE 1908 AGAINST THE ORDER DATED 14.07.06 PASSED BY THE LEARNED ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, KORBA IN M.J.C. NO. 04/2006.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R. 133 ..... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	14.09.2006 Shri Gurudev Sharan learned counsel for the applicant. Heard on I.A.No. 2921/06, application for amendment in the cause title of the memo of revision. By this application the applicant wants to delete the name of respondent No. 1 since it has been wrongly arrayed as a respondent. Learned counsel for the applicant undertakes to delete the name of respondent No. 1 today itself in the Court. Accordingly, I.A.No. 2921/06 is allowed. Learned counsel for the applicant to do the necessary amendment today itself. This revision is directed against the order dated 14.7.2006 passed by learned Additional Motor Accident Claims Tribunal, Korba in M.J.C.No. 04/06 and by which the application of the application for permission to withdraw the amount deposited in her fixed deposit as per directions of the learned Tribunal in the award passed in Claim Case No. 101/02, has been dismissed. Learned counsel for the applicant submits that a sum of Rs. 4,38,000/- was awarded to the applicant and out of which Rs. 1,20,000/- each in the name of her two minor children has been directed to be deposited in fixed deposit. Since the applicant required the deposited amount to meet the expenses incurred by her in the education of her children, she preferred an application before the learned Additional Motor	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(31)

मामला क्रमांक ...C.R./133..... **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Accident Claims Tribunal, Korba, for permission to withdraw the amount deposited in her fixed deposit, which has been rejected by the learned Tribunal on the ground that earlier also she was permitted to withdraw some amount from the deposited amount.

Taking into consideration the reasons assigned by the applicant for withdrawing the deposited amount to meet the expenses incurred by her in the education of her two minor children, the order passed by the Court below is set aside and it is directed that the applicant shall be permitted to withdraw a sum of Rs. 20,000/- from the award amount deposited in her fixed deposit.

Sd/-
Dhirendra Mishra
Judge